

R.C.S. No. 228/1983

(CNR No. MHST05-000004-1983)

Order below Exh. 1

Perused application and say on it. Heard both learned advocates and gone through record of proceeding. Present suit is of the year 1983 and has been remanded by Hon'ble District and Sessions Judge, Karad for appointment of settlement commissioner as Court commissioner and fresh decision of the matter. Accordingly, settlement commissioner was appointed as Court commissioner. He submitted his report and parties started to lead evidence in pursuance of direction of District and Sessions, Judge, Karad in R.C.A. No. 58/1989. After recording statements of the witness of the plaintiff, plaintiff moved application Exh. 129 which has been decided by this Court on 24.10.2017. Being aggrieved by said order the plaintiff was intending to prefer Writ Petition against order of this Court. On 14.11.2017, 28.11.2017, 08.12.2017, 18.12.2017, 05.01.2018, 23.01.2018, 14.02.2018, 22.02.2018, 27.02.2018 adjournments were granted to the plaintiff to prefer Writ Petition and inform the Court about the pendency of the Writ Petition and interim order if any passed by Hon'ble High Court.

02. Since then matter is pending for evidence of the plaintiff. Though it is informed that, the plaintiff has appointed some advocate for filing of Writ Petition but till today nothing has been informed to this Court to show that said Writ Petition is admitted or numbered or any interim order has been passed. Today while submitting before the Court learned advocate Smt.Jambhale contended that, Writ Petition against order passed by learned predecessor in office below Exh. 103 has been admitted and is pending for hearing on 28.08.2018. However, Writ Petition against order of this Court passed below Exh. 129 is yet not admitted. Moreover, she contended that, no interim relief has been granted by Hon'ble High Court.

03. Matter is more than 30 years old and as per action plan for disposal of five plus matters Hon'ble High Court has directed to dispose of matter more than 20 or 30 years old till 31st March, 2018. So present matter is required to be given priority for hearing and disposal as per law. As still no interim stay has been granted and even after sufficient opportunities plaintiff failed to lead further evidence. So in my view it will be proper to close evidence of the plaintiff. Hence, evidence of the plaintiff is closed and matter is posted to next stage.

Date:- 06/03/2018

[Sou. V. P. Gaikwad]
Jt. Civil Judge, Sr.Division, Karad.